

Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 FEA-01 ACDA-07 AGRE-00 AID-05
CEA-01 CEQ-01 CG-00 CIAE-00 EPG-02 COME-00
DLOS-09 DODE-00 DOTE-00 EB-07 EPA-01 ERDA-05
FMC-01 TRSE-00 H-01 INR-07 INT-05 IO-13 JUSE-00
L-03 NSAE-00 NSC-05 NSF-01 OES-07 OMB-01 PA-01
PM-04 PRS-01 SP-02 SS-15 NSCE-00 SSO-00 USIE-00
INRE-00 /119 W

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FM AMEMBASSY OTTAWA

TO SECSTATE WASHDC NIACT IMMEDIATE 4121

C O N F I D E N T I A L SECTION 01 OF 02 OTTAWA 06302

EO 11652: GDS

TAGS: EFIS, CA

SUBJECT: BOUNDARY AND FISHERY NEGOTIATIONS WITH CANADA

REF: STATE 164105

1. FOLLOWING ARE PRELIMINARY REACTIONS OF COPITHORNE
(DIRECTOR GENERAL OF LEGAL AFFAIRS) AND HIS DEPUTY TO U.S.-
REVISED STATEMENT WHICH WE DELIVERED THIS AFTERNOON.

2. "OTHER RELATED MARITIME ISSUES". GOC WOULD PREFER
LANGUAGE DISCUSSED ON JUNE 17, I.E. "OTHER MARITIME ISSUES
AS THE SENIOR NEGOTIATORS MAY DECIDE". WE SEE NO MAJOR
PROBLEM HERE.

3. "SALMON INTERCEPTION NEGOTIATIONS". COPITHORNE BALKED
ON THIS POINT. GOC, HE MAINTAINED, IS NOT ONLY CONCERNED
ABOUT "THE OUTCOME" BUT ALSO ABOUT THE COURSE OF THESE
NEGOTIATIONS. CANADIANS APPARENTLY SUSPECT THAT, WHILE WE
INDICATE WE ARE PREPARED TO RESUME SALMON INTERCEPTION
NEGOTIATIONS ON "A PRIORITY BASIS", WE MAY NOT PURSUE THEM
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ON SUCH A BASIS. THUS, THEY WANT SPECIAL NEGOTIATORS TO
TAKE INTO ACCOUNT WHAT PROGRESS, IF ANY, IS BEING MADE IN
SALMON TALKS. COPITHORNE SUGGESTED REVISION OF THIS
SECTION TO CONTAIN OUR WORDING OF PART (A) AND GOC WORDING
OF PART (B).

4. "TIME FRAME FOR NEGOTIATIONS". THERE ARE TWO PROBLEMS

HERE. FIRST, COPITHORNE IMMEDIATELY NOTED THAT OUR REVISED STATEMENT OMITTS ANY REFERENCE TO "AN AGREED RECORD", THOUGH IT HAD BEEN DISCUSSED AND AGREED UPON ON JUNE 17. IDEALLY, HE ASSERTED, NEGOTIATIONS SHOULD CONCLUDE WITH AN AGREED RECORD AND AN AD REFERENDUM AGREEMENT AS AN ANNEX, BUT IF NEGOTIATORS FAILED TO REACH AGREEMENT, IT WOULD BE HELPFUL TO BOTH GOVERNMENTS TO HAVE AN AGREED RECORD OF WHAT NEGOTIATORS HAD DISCUSSED, WHERE THEY HAD FOUND COMMON GROUND, AND WHERE THEY WERE UNABLE TO RESOLVE DIFFERENCES. (WOULD IT BE POSSIBLE TO MEET OUR CONCERN ON THIS MATTER BY STATING IN "ELEMENTS" PAPER AND/OR IN "AN AGREED RECORD" THAT POSITIONS TAKEN BY EACH SIDE DURING NEGOTIATIONS CANNOT BE USED PREJUDICIALLY AGAINST IT BY OTHER SIDE DURING ANY POSSIBLE FUTURE RECOURSE TO ADJUDICATION?)

5. SECOND PROBLEM RELATES TO "AN AD REFERENDUM AGREEMENT". COPITHORNE READILY ADMITTED THAT THEY HAVE RETREATED FROM THEIR ACCEPTANCE OF THIS PHRASE ON JUNE 17 BECAUSE OF "INTERNAL" DIFFICULTIES. LANGUAGE IN THEIR "ELEMENTS" STATEMENT (OTTAWA 6017), HE SAID, REPRESENTED AN "ACCOMMODATION OF INTERNAL INTERESTS" AND LANGUAGE IN OUR REVISED STATEMENT "IS NOT CONSISTENT WITH THESE INTERESTS". ANY CHANGE IN GOC POSITION ON THIS POINT WOULD HAVE TO BE DECIDED AT MINISTERIAL LEVEL. IT WAS AGREED TO DISCUSS IT FURTHER AT MEETING SCHEDULED FOR 11:00 A.M. JULY 15. (WE CONFIDENTIAL

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DECIDED TO HOLD OFF UNTIL THEN ANY DISCUSSION OF OUR FALL-BACK POSITION.)

6. PREVIOUSLY, COPITHORNE HAD PRIVATELY CONVEYED TO US THAT SOME CANADIAN OFFICIALS (PROBABLY MINISTER LEBLANC AND OTHER MINISTRY OF FISHERIES AND ENVIRONMENT OFFICIALS) DO NOT WANT GOC SPECIAL NEGOTIATOR TO HAVE AUTHORITY TO DEVELOP AN AD REFERENDUM AGREEMENT ON GROUNDS IT WOULD BE POLITICALLY DIFFICULT FOR CABINET NOT TO APPROVE SUCH AN AGREEMENT. THEIR VIEWS HAVE APPARENTLY PREVAILED AT THIS STAGE, BUT HOPEFULLY WE CAN PERSUADE GOC TO ACCEPT OUR FALL-BACK PROPOSAL.

7. FOR RECORD, FOLLOWING IS GOC VERSION OF WHAT WAS AGREED TO ON JUNE 17: BEGIN QUOTE. ELEMENTS FOR THE RESUMPTION OF FISHERIES AND BOUNDARY NEGOTIATIONS.

A SINGLE NEGOTIATION, ENCOMPASSING:

- A) MARITIME BOUNDARIES,
- B) FISHERIES,
- C) HYDROCARBON RESOURCES,
- D) RELEVANT ENVIRONMENTAL ISSUES,
- E) OTHER MARITIME ISSUES AS THE SENIOR NEGOTIATORS MAY

DECIDE

APPOINTMENT OF A SENIOR LEVEL NEGOTIATOR; ABLE TO PUT A
POLITICAL IMPRINT ON THE NEGOTIATIONS.

SEPARATION OF SALMON INTERCEPTION ISSUES:

A) RESUMPTION OF SALMON INTERCEPTION NEGOTIATIONS ON
PRIORITY BASIS;

B) OUTCOME NOT LINKED TO OUTCOME OF OTHER NEGOTIATIONS.

(THIS ITEM IS SUBJECT TO L(E) AND 5, I.E. THE SENIOR
NEGOTIATORS WILL BE FREE TO DETERMINE THE RELATIONSHIP, IF
ANY, BETWEEN THE SALMON NEGOTIATIONS AND OTHER NEGOTIAT-

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IONS.)

A FIXED TARGET DATE FOR AGREEMENT:

A) NEGOTIATORS TO BEGIN IN EARLY JULY;

B) AN AGREED RECORD AND SEPARATE REPORTS BY NEGOTIATORS TO
GOVERNMENTS;

C) AN AD REFERENDUM AGREEMENT TEXT;

D) BY OCTOBER 15.

MAXIMUM FREEDOM OF ACTION FOR NEGOTIATORS:

A) MOST GENERAL POSSIBLE TERMS OF REFERENCE;

B) FULL-TIME STAFF AND ADVISORS ATTACHED TO THEM FOR
DURATION OF TALKS;

C) MEET OUTSIDE OF CAPITALS, FROM TIME TO TIME.

MINISTERIAL (CABINET) REVIEW OF REPORT INCLUDING AGREED
RECORD AND AD REFERENDUM AGREEMENT IN OCTOBER. END QUOTE.
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Message Attributes

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Disposition Approved on Date:
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